

Application No. 10/606,347

Docket No. 4006-258

**IN THE DRAWINGS**

Please amend Box 107 of Figure 2 to read: Reset the counter 1 and counter 2 as shown on the attached Replacement Drawing.

Replacement Drawing

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**REMARKS****BEST AVAILABLE COPY**

Claims 1-21 are now pending in the application. Claims 1, 4-6, 8, 10-11, 13-16 and 18 have been amended and claim 21 is newly added. Support for the foregoing amendments may be found throughout the written description, drawings and claims, as originally filed.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**OBJECTION TO DRAWINGS**

The drawings stand objected to by the Examiner for certain informalities. Applicant has attached revised drawings sheets for the Examiner's approval. Figure 2 has been amended.

Applicant respectfully requests the Examiner to reconsider and withdraw the objection to the drawings.

**CLAIMS OBJECTION**

Claims 1, 5, 11, 14 and 18 are objected. The examiner says that "to stop said fan for a first time" and "to stop work for a first time" should be replaced by "to delay restart for a first time period".

The Applicant disagrees with the Examiner's opinion. "Stop" the fan means temporarily stopped to supply power to the fan. That is, the power is still on but temporarily stopped to power the fan. However, "Restart" the fan means to start a fan that has been stopped. That is, the power has been off. When the fan wants to be restarted, the power has to be on again.

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Applicant respectfully requests the Examiner to reconsider and withdraw the objection.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 4, 5, 9-10, 12, 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1, 4, 5, 9-10, 12, 17 and 20 and specification to overcome this rejection.

Applicant respectfully requests the Examiner to reconsider and withdraw the objection to the drawings.

**Rejections Under 35 U.S.C. § 103**

Claims 1-4 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pohl (U.S. No. 4,772,019) in view of Glorioso et al. (U.S. No. 6,301,105).

Claims 5-10 and 18-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Makaran (U.S. No. 5,774,921).

These rejections are respectfully traversed, particularly in view of the foregoing amendments to claims 1, 5, 11 and 18.

The invention of claims 1, 5, 11 and 18, as amended, includes first stopping a fan when a fan locked situation happens, then, this fan is started again after a special time period. This stopping step is performed for several times until the fan is started successfully. Moreover, a special performing number is set in the claimed invention. When the number of repeatedly performing the stopping step is equal to the set number and the fan still can not be started, the power is cut off to stop the fan. In other words, in the claimed invention, the fan is always powered even though the fan is stopped. The

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power is cut off only when the special performing number has been performed and the fan still can not be started. See, e.g., Specification at 5, lines 15-19; and at 9, lines 14-15.

When evaluating the scope of a claim, every limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered. See, e.g., *Diamond v. Diehr*, 450 U.S. at 188- 89, 209 USPQ at 9. Consequently, the stopping step, the restarting step and the cutting power step must be considered in the obviousness analysis.

The cited combination, however, does not teach or suggest the claimed invention. In particular, Pohl directly de-energize the motor when a locked condition happens, which is different from the claimed invention of stopping the fan. Moreover, the main purpose of the Pohl invention is to provide an alternative compressor system to protect a refrigeration system, which is different from the claimed invention that is for protection of the fan. On the other hand, Glorioso does not teach to repeatedly perform the stopping step and restarting step.

It is noticed that the main purpose of the Glorioso invention is to reduce the noise of a disk drive. The main purpose of the Pohl invention is to provide an alternative compressor system to protect a refrigeration system. The two cited references are not in the same technology field. Therefore, there is no suggestion or motivation to combine the teachings of Pohl with that of Glorioso to achieve the claimed invention.

Therefore, independent claims 1 and 11 are patentable over the cited references and in condition for allowance.

Moreover, Makaran discloses a control system. According to the flow chart as shown in Figure 10, the system checks for a stall or reduced speed condition at step 430. At step 434, when a stall or reduced speed condition is detected, power to the motor is cut off. In other words, the power is directly cut off in Makaran when a stall or

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reduced speed condition is detected. However, in the claimed invention, the fan always is powered. The power is cut off only when the special performing number has been performed and the fan still can not be started. In other words, Makaran does not disclose or teach this feature.

Therefore, independent claims 5 and 18 are patentable over the cited references and in condition for allowance.

In view of the foregoing, Applicant respectfully submits that independent claims 1, 5, 11 and 18 are patentable over the cited references and in condition for allowance. Further, Applicant respectfully submits that dependent claims 2-4, 6-10, 12-17 and 19-20, which ultimately depend from claims 1, 5, 11 and 18, are likewise patentable and in condition for allowance. Withdrawal of the foregoing rejections under 35 U.S.C. § 103(a) is, therefore, respectfully requested.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of

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this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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